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DELIVERED VIA ECF FILING

February 14, 2024

The Honorable Gabriel W. Gorenstein
United States District Court
Southern District of New York
40 Foley Square, Room 519
New York, NY 10007
Tel: (212) 805-4260
Email: N/A

MEMORANDUM ENDORSED

Case Name: *Moallem v. Russo, et al*
Case Number: 1:23-cv-11297-VEC-GWG

Dear Magistrate Judge Gorenstein:

Our firm represents the plaintiff Bruce Moallem (herein “Plaintiff”) in connection with the above-captioned action. The parties in this matter moved for, and were granted, a continuance and adjournment by Judge Caproni on February 8, 2024 (the “Order”) (ECF Document 19). In the Order granting the parties’ requested forty-five (45) day adjournment pending settlement discussions, Judge Caproni requested that the request to adjourn the settlement conference in this matter, currently scheduled for March 5, 2024 (the “Settlement Conference”), be made directly to Your Honor.

As such, and in compliance with Judge Caproni’s Order, the parties respectfully submit this letter motion to request an adjournment of the existing Settlement Conference date in this matter for a period of forty-five (45) days from March 5, 2024 to April 19, 2024. The following deadlines and dates are currently in place per Judge Caproni’s Order:

- Plaintiff’s Answer to Defendant’s counterclaim is due April 1, 2024.
- Plaintiff’s deadline to move for an order to show cause why default judgment should not be entered against Defendant Disintegration Records LLC and Does 1-10 is April 8, 2024.

We are pleased to report that the parties, including the LLC defendant controlled by Defendant Russo, have agreed to commence earnest settlement discussions in efforts to resolve this dispute amicably. As a result, granting the parties the requested adjournment of the Settlement Conference date will allow the parties to discuss, document, and finalize a resolution of this matter which will help preserve both judicial economy and resources.

As Plaintiff noted in Plaintiff's letter motion to Judge Caproni, *pro se* defendant Sebastian Russo (herein "Defendant") acquiesced to the requested continuance and stay of this matter during a telephone conversation between Plaintiff and Defendant Russo that took place on the evening of February 7, 2024. It is our understanding that, per Plaintiff, Defendant Russo would prefer not to deal directly with Plaintiff's counsel, such that Defendant Russo's consent to the requested continuance on behalf of Defendants was obtained during the February 7, 2024 telephone call.

No prior adjournments of the Settlement Conference have been requested by either party or granted with respect to the above-captioned action.

We thank Your Honor for your consideration of this request and we will continue to keep the Court apprised of any further developments or settlement in this matter.

Respectfully Submitted,

/AJS/

Albert J. Soler
Attorneys for Plaintiff Bruce Moallem

cc: Defendants Sebastian Russo (*Pro Se*) and Disintegration Records Dripping LLC s/h/a
Disintegration Records LLC (via e-mail and hard copy mailing)

The conference scheduled for March 5, 2024, is an initial conference, not a settlement conference. The Court assumes that the parties nonetheless seek the adjournment of that conference as requested in this letter. Accordingly, the Rule 16 conference scheduled for March 5, 2024 (per the Order of January 31, 2024 (Docket # 16)), is adjourned to April 19, 2024, at 11:30 a.m. The same dial-in instructions apply. That is, the parties shall dial 646-453-4442 and use phone conference ID: 917 538534#

The Court notes further that the docket sheet does not reflect that the Clerk mailed a copy of Docket ## 14, 15, 16 or 19 to *pro se* defendant Sebastian Russo. Accordingly, the Clerk is directed to mail a copy of Docket ## 14, 15, 16 and 19 to Sebastian Russo (as well a copy of this Order and all future orders).

So Ordered.


GABRIEL W. CORENSTEIN
United States Magistrate Judge

February 15, 2024